

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

CAROLINA POWER & LIGHT COMPANY  
d/b/a PROGRESS ENERGY CAROLINAS,  
INC.,

Plaintiff,

v.

3M COMPANY, et al.,

Defendants.

**Civil Action No. 5:08-CV-00460-FL**

CONSOLIDATION COAL COMPANY,

Plaintiff,

v.

3M COMPANY, et al.,

Defendants.

**Civil Action No. 5:08-CV-00463-FL**

**ORDER**

THIS MATTER came to be heard on the motion of Plaintiffs Carolina Power and Light Company d/b/a/ Progress Energy Carolinas, Inc. (“Progress”) and Consolidation Coal Company (“Consol”) and cross-claim, counterclaim, and third-party Plaintiff PCS Phosphate Company, Inc. (“PCS”) (collectively “Plaintiffs”) for an Order under Fed. R. Civ. P. 41(a)(2) to dismiss Kobe Copper Products. Inc. (“KCPI”) from the above-captioned actions. AND, it appearing to the Court that no party will suffer prejudice from such an Order and good cause exists for granting the relief the Plaintiffs’ seek:

IT IS THEREFORE ORDERED that Plaintiffs' Motion to dismiss KCPI under Rule 41(a)(2) is GRANTED and that Plaintiffs' claims against KCPI in the above captioned actions are hereby dismissed *with prejudice* and the reserved claims of all other parties are dismissed *without prejudice*.

SO ORDERED, this the 11th day of January, 2012.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LOUISE W. FLANAGAN  
United States District Judge